

MESSAGE FROM CHIEF JUDGE DIFIORE

April 27, 2020

Thank you, again, for the opportunity to bring you up to date on the latest COVID-19 developments affecting our courts and our justice system.

As always, our first thoughts are with you and your families, and I sincerely hope that you and your loved ones are staying safe and healthy. We know the virus has taken its toll on everyone, including our court family: 168 of our judges and court staff have tested positive for COVID-19. More than half of them are members of our uniformed forces, underscoring the risks they face, and the courage they show, in reporting to work every day to keep our courts open.

Tragically, several of our beloved judges and professional staff have passed away from complications caused by the virus. We send our thoughts and prayers to their family members and friends, as well as our promise to honor their memories and hold them close in our hearts.

It appears that we are now seeing a gradual decline in the number of deaths from COVID-19 here in New York State, and other key indicators such as the rates of new infections, hospitalizations and ICU admissions have gone down as well.

As Governor Cuomo said recently, “We’re in a better place,” but he also implored us not to let our guard down, and I agree completely, because our actions now and in the coming days will continue to have consequences for the

future, in terms of how quickly and how well we emerge from this initial phase of the pandemic.

We are all anxious to get back to our jobs and our old routines. But that desire to return -- to whatever our new place might be -- cannot be the cause of any false or ill-advised steps. We must remain grounded and disciplined in following the instructions and guidelines of our public health experts and government leaders as we carefully plan out the next steps, including testing and tracing, for how we can safely emerge into our new normal.

As for our court system, we are working every day to improve our temporary virtual operations, so that we can carry out our mission of ensuring access to justice and upholding the rule of law, while at the same time preserving the health and safety of everyone who works in and visits our courts.

We have completed our second week of expanded virtual operations with our judges conferencing pending matters through Skype or telephone. Becoming more comfortable and efficient using technology, our productivity during the crisis has improved each week, and the data shows that we are, indeed, moving the work of the courts forward.

Our judges and staff are excited to be working, even in this limited and temporary fashion, and their energy and enthusiasm have inspired us to set an ambitious goal of clearing our statewide backlog of undecided motions. It's been said that in every crisis there is an opportunity, and every one of us understands that this is the perfect opportunity to clear out our motion backlog, prompt the resolution of pending matters and put our court system in a much better position

to process the inevitable surge of new case filings that will come with our return to full operations. And we will look forward to that challenge.

Now, of course, I have assigned great credit and praise to our leadership team, judges and professional staff for what has been a swift and effective response to the crisis, but through all of this we are mindful that our virtual court model could not have been “stood-up” in such short order, or have succeeded, without the cooperative spirit and participation of the Bar and the justice agencies and stakeholders who have shown great patience and understanding in working with us to find the right balance of openness and safety during this extraordinary time.

As we are called upon to incrementally expand virtual access, we will continue to do so in consultation with the bar and our justice partners. And in this regard, we have heard, and are sensitive to, the concerns expressed around self-represented litigants and the difficulties they face in accessing our virtual courts. We have put together a group, headed by Judge Edwina Mendelson, our Deputy Chief Administrative Judge for Justice Initiatives, to focus on solutions to promote access to the courts for this group of litigants. And they will be reporting back with their recommendations shortly.

We are also concerned about the impact of the pandemic on the legal profession overall, and we have been working on solutions to reduce the hardship faced by new law graduates. Last week, a number of important waivers relating to legal education and admissions requirements for Spring 2020 law graduates were approved. I want to thank the members of the working group, led by my colleague, Judge Michael Garcia, who studied the issues, examined the impact,

and made smart, sensible recommendations to address this temporary interruption.

I also want to thank the Presiding and Associate Justices of the Appellate Division for being responsive to the needs of the profession and our recent law graduates, including the effort of the Justices in the Second Department, our largest appellate court, which admitted 320 new attorneys through a virtual admissions process conducted over the last two weeks. All positive steps, and we thank them for that.

Last Friday, I presided, in my capacity as Chair, over the quarterly meeting of the State Indigent Legal Services Board. At that meeting, Executive Director Bill Leahy reported that he and his staff have persisted in their efforts to accelerate state funding reimbursement to counties for their indigent defense expenses, and have worked with court officials to devise procedures to enable interim billing and expedited approval of assigned counsel vouchers, so that these attorneys can be compensated for their essential work. Bill and his staff have also been meeting with Stephen Acquario and the State Association of Counties, with the provider community, and with county and city leaders to prepare for the fiscal impact of COVID-19 and ensure the preservation and continuity of New York's criminal and parental defense systems. I want to thank Bill for his leadership, and his dedicated team for their excellent work.

So now, on a high note, this Friday, May 1st, is Law Day, a day on which we celebrate our nation's most special democratic values and our commitment to the rule of law. While Law Day ceremonies have been canceled around the country, Attorney General Letitia James and State Bar President Hank Greenberg agreed,

without any hesitation, to join me in hosting a Virtual Law Day, in order to send our clear and unwavering message that our justice system remains strong and resilient, that we are working together to ensure access to justice is a reality, that we are supporting and upholding the rule of law and that we stand as one against the disruption of the moment.

You are all invited to attend. You can find your way to our Law Day celebration by going to our website, where we will post the link on Friday, Law Day.

So, until next time, please keep doing everything in your power to take care of yourselves and your families. Stay home, stay safe and remain disciplined in protecting yourselves and everyone around you.

Thank you.